

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

FEB 7 2001

OFFICE OF
MANAGING DIRECTOR

86-285

William H. Fitz, Esq.
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401

RE: Request for Waiver (Section 9. Late Fee)
KTAL-FM, (KCMC, Inc.), Texarkana, TX
Fee Control Number 0003278835167005

Dear Mr. Fitz:

This is in response to your request on March 24, 2000 to waive the penalty imposed on your client for the late payment of regulatory fees, and the information you furnished on September 20, 2000.

You state that you sent your client's fiscal year 1999 regulatory fees by courier to Mellon Bank in a timely manner, and that you have a date-stamped confirming receipt. You submitted your request for relief by facsimile transmission; however, no date or date stamp is discernable on that remittance form. The supplemental material provided on September 20, 2000, however, shows a confirming receipt. Accordingly, we find that Mellon Bank did receive the first remittance and the FCC Form 159 in a timely manner, your request is granted, and no late penalty is due.

If you have any questions concerning this letter, please call the Revenue and Receivable Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

TO: Tom Putnam, OMD
Mark Reger, CFO

FROM: Paul K. Cascio, OGC

SUBJECT: Request for Waiver (Section 9, Late Fee), KTAL-FM, (KCMC, Inc.)
Texarkana, TX, Fee Control Number 0003278835167005

DATE: January 4, 2001

William H. Fitz of Covington & Burling, counsel for KCMC, Inc., Texarkana, TX, wrote on March 24, 2000 requesting that the Commission waive the late fee imposed by 47 USC §159(c)(1). In response to our verbal request, on September 20, 2000, his office furnished a second copy of the FCC Form 159.

Mr. Fitz states that the Form 159 and the check in the correct amount were sent by courier to the Mellon Bank on September 14, 1999. After he received a letter dated March 8, 2000 demanding payment, the law firm determined that the check had not cleared the bank, so a replacement check was prepared and sent. Mr. Fitz states that the facsimile transmitted copy of the first sent Form 159 includes a date-stamped receipt from Mellon Bank. The copy attached to the request does not clearly show a date stamp; therefore, we requested a second copy. Thereafter, on September 20, 2000, Mr. Fitz' office hand-delivered a copy of the FCC Form 159, which has a legible hand written notation at the top, "STAMP & RETURN," and the imprint, "FCC/MELLON SEP 14 1999," in Section A.

This second document confirms that Mellon Bank received and accepted the Form 159, Remittance Advice, and it is reasonable proof that the Commission furnished a receipt in accordance with the procedures set out at 47 CFR §1.1159(d). We conclude that KCMC, Inc., initially tendered the correct payment in a timely manner, and a late fee is not required.

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March 24, 2000

BY HAND

Ms. Claudette Pride
Federal Communications Commission
Credit & Debt Management Center
Room 1 A821
445 12th Street, S.W.
Washington, DC 20554

**KTAL-FM, Texarkana, TX
FY 1999 Regulatory Fees
Request for Waiver of Penalty for Late Payment**

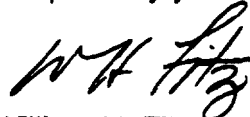
Dear Ms. Pride:

On behalf of KCMC, Inc., we hereby respond to your letter of March 8, 2000, regarding the payment of FY 1999 regulatory fees of KTAL-FM. A completed Form 159 Remittance Advice and check in the amount of \$2,012 were sent to the Mellon Bank via courier on September 14, 1999. Attachment A is documentation of this fact consisting of a date-stamped receipt copy of the Form 159, together with a copy of KTAL-FM's check No. 0014661.

Following receipt of your March 8 letter, KTAL-FM reviewed its accounting records and ascertained that check No. 14661 has not cleared the bank. Consequently, KTAL-FM prepared check No. 015167 in the original amount and is submitting it to the Mellon Bank today accompanied by a completed Form 159 Remittance Advice. Attachment B is a copy of that documentation. In view of the fact that it possesses evidence of timely submission of the correct fee, KCMC, Inc., respectfully submits that a late penalty is not due and owing.

Any questions concerning this matter may be directed to the undersigned.

Respectfully yours,



William H. Fitz
Attorney for KCMC, Inc.

Attachments



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DATE	TOTAL PAGES W/COVER	SUITE
May 24, 2000	6	1043G

FROM	EMAIL	FAX	TEL
Sarah McMeans	smcmeans@cov.com	(202) 778-5015	(202) 662-5015

TO	FAX	TEL
Teresa Meeks FCC Credit & Debt Management Center	202-418-2843	202-418-1995

REMARKS

Re: 2000-9-2436

Letter of May 12, 2000 concerning KTAL-FM

As we discussed this morning, attached is a copy of the letter Request for Waiver of Penalty for Late Payment that we filed on behalf of KCMC, Inc. on March 24, 2000, together with documentation showing that timely payment of the fees was submitted on September 14, 1999.